

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
AUGUST 3, 2009
6:30 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, David R. Sandifer Administration Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner Phil Norris, Vice-Chairman
Commissioner J. Marty Cooke
Commissioner Charles Warren
Commissioner Scott Phillips
Commissioner William Sue, Chairman

STAFF: Marty K. Lawing, County Manager
Debby Gore, Clerk to the Board
Jana Berg, Assistant County Attorney
Ann Hardy, Fiscal Operations Director

Lt. Mark Trull

ABSENT: Steve Stone, Assistant County Manager
Huey Marshall, County Attorney

I. CALL TO ORDER

Chairman Sue called the meeting to order at 6:30 p.m.
(Attached to these Minutes is an item called Board Action containing all items on this agenda and those items are incorporated herein.)

II. INVOCATION/PLEDGE OF ALLEGIANCE

Vice-Chairman Norris gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Sue asked if there were any adjustments to the agenda. There were no adjustments made.

Commissioner Cooke moved to approve the agenda. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Sue asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. The following citizens addressed the Board:

1. Sarah Gordon, addressed the Board regarding Proposed Unified Development Ordinance Text Amendment UDO-09-03 stating that she was informed earlier this week that the Proposed Amendment would be on the agenda tonight and was informed today that it would not be on the agenda and requested that the Board take action. Ms. Gordon was joined by several other

residents from the Sunset Harbor/Winding River/Zion Hill area who spoke in opposition to the Proposed Amendment indicating that they moved to the Sunset Harbor area to get away from commercial entities and the pollution associated with those entities and that the wording of the Proposed Amendment was not well defined regarding buffers and this rural area was not conducive to a commercial establishment. There were concerns of increased traffic congestion, noise, lighting and trash associated with commercial property and the effect it would have on their peaceful environment. Those speaking in opposition were Jay Royal, Property Owners Association President in South Banks, Stephanie Rivers, Betty Bryant, Craig Andrews, Richard Easton, Phil Sloat and Chuck Catilla, Winding River residents, Dave Lowhon and Bill McAllister.

V. APPROVAL OF CONSENT AGENDA

Commissioner Phillips moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

- A. **Minutes**
 - 1. **July 20, 2009 Regular Meeting Minutes**
- B. **Tax**
- C. **Finance**

Wastewater Fund	Expendable Net Assets Appropriated	629800-399200	Increase \$500,000
Wastewater Fund	Transfer to Wastewater Reserve Fund	629800-498064	Increase \$500,000
Wastewater Reserve Fund	Transfer from Wastewater Fund	649800-398662	Increase \$500,000
Wastewater Reserve Fund	Transfer to Wastewater Capital Project	649800-498044	Increase \$500,000
Wastewater Capital Project Fund	Transfer From Wastewater Reserve	448250-398664	Increase \$500,000
Wastewater Capital Project Fund	Calabash Collection System - Administration	448250-464000	Increase \$500,000

Transfer funds from the wastewater fund expendable net assets to the wastewater capital reserve to be moved to the Calabash Collection System project for easements. The money will be reimbursed to the county from debt proceeds.

**County of Brunswick, North Carolina
Calabash Collection System (Amended) 448250**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County Wastewater

Capital Projects Fund for the Calabash Collection System:

Transfer from Wastewater Capital Reserve Fund \$1,550,000
 Total \$1,550,000

Section 2. It is estimated that the following revenues will be available in the Brunswick County Wastewater Capital Projects Fund:

Contributions from Wastewater Capital Reserve \$1,550,000

Section 3. The following amounts are hereby appropriated in the Brunswick County Wastewater Capital Reserve Fund:

Contribution from Wastewater Capital Reserve \$1,550,000

Section 4. It is estimated that the following revenues will be available in the Brunswick County Wastewater Capital Project Fund:

Contribution from Wastewater Capital Reserve \$1,550,000

Section 5. This Capital Project Ordinance shall be entered into the minutes of the August 3, 2009 meeting of the Brunswick County Board of Commissioners.

School Capital Reserve Fund	School Capital Reserve Fund Balance Accumulated from Sales Tax	279800-399100	Increase \$589,500
School Capital Reserve Fund	Transfer to School Capital Project Fund	279800-498042	Increase \$589,500
School Capital Project Fund	Transfer from School Capital Reserve Fund	428006-398227	Increase \$589,500
School Capital Project Fund	School Capital Projects	428006-464016	Increase \$589,500

The above amendment and capital project ordinance below was requested by Brunswick County Schools Finance Officer, Freyja Cahill to appropriate sales tax funds held by the County on the behalf of the school system for technology equipment in the exceptional children’s program. A list of the equipment is attached with the schools budget amendment. This amendment will allow for the school system to utilize stimulus funds to retain employees rather than purchase needed equipment.

**County of Brunswick, North Carolina
 School Category 1 Capital Project Ordinance (Amended)**

Be it ordained by the Board of County Commissioners of Brunswick County that pursuant to Section 13.2 of the General Statutes of North Carolina, the following ordinance is hereby adopted:

Section 1. The following amounts are hereby appropriated in the Brunswick County School Category 1 Capital Projects Fund for the School Capital Projects:

Project Cost Rolled Over FY 09 \$3,354,095.55
 Project Cost FY 10 \$918,794.00

Project Cost Appropriated FY 10 \$746,361.00

Total \$5,019,250.55

Section 2. It is estimated that the following revenues will be available in the Brunswick County School Capital Reserve Fund:

Contributions from School Capital Reserve \$3,802,446.93

Section 3. The following amounts are hereby appropriated in the Brunswick County School Special Capital Reserve Fund:

Contribution from School Special Capital Reserve \$725,357.24

Section 4. It is estimated that the following revenues will be available in the Brunswick County School Capital Project Fund:

Current Funds Appropriated Medicaid Swap \$372,871.00

Current Funds Appropriated NC Education Lottery \$118,575.38

Total \$491,446.38

Section 5. This Capital Project Ordinance shall be entered into the minutes of the August 3, 2009 meeting of the Brunswick County Board of Commissioners.

D. Brunswick County Gang Grant Acceptance

Staff requests taking recommended action.

E. Engineering-Cedar Grove School/Park Change Order

Staff requests taking recommended action.

F. Utility Operations-Utilities Reduction Specialists Inc. Agreement

Staff requests taking recommended action.

G. BSRI-Home Community Care Block Grant Allocation

Staff requests taking recommended action.

H. Sheriff's Office-Mutual Assistance Agreement with Town of Ocean Isle Beach

Staff requests taking recommended action.

VI. PRESENTATION

1. Computers for Kids NaCo Award

Jayne Mathews, Volunteer Center Director, recognized volunteers Bruce Maxwell, Ron Kienan, Bill Voss, Bud Brown, David Lemaster, Ed McCarron, Len Trizinsky and Ron Batleman, Brunswick County Web Page Developer Scott Keur, and Jerry Thrift, Brunswick Community College Vice-President of Operations who were instrumental in achieving a 2009 Achievement Award for "Best of Category" in the Children and Youth category from the National Association of Counties for Brunswick County's "Computers for Kids" project.

The project is a volunteer initiative under the Volunteer Center that refurbishes computers and donates them to school children in Brunswick County Schools. Brunswick County Management Information Services assists the volunteers and project space is donated by Brunswick Community College.

2. **Master Gardener Volunteer Proclamation**

Commissioner Marty Cooke presented a Resolution in Honor of Master Gardeners to volunteers Shirley Waggoner-Eisenman, President of the Brunswick County Master Gardener Association, Vice-President Lynn Schwartzkopf and Cooperative Extension staff Charlie Spencer, Master Gardener Coordinator and Al Hight, County Extension Director.

Brunswick County Master Gardener Volunteers have a positive annual impact of between \$350,000 and \$400,000 through donations of their time, miles and cash in support of the informal education programs of NC Cooperative Extension. They have also provided funds to purchase tools and equipment to further the mission of the Brunswick Botanical Garden.

RESOLUTION IN HONOR OF MASTER GARDENERS

Whereas, Brunswick County Master Gardener volunteers have a positive financial impact of between \$350,000 and \$400,000 through donations of their time, miles and direct cash contributions each year. In 2008 alone, these volunteers donated 11,900 hours valued at \$215,000 answering 2430 telephone requests for assistance, diagnosing over 2100 problem samples and conducting over 60 outreach programs throughout Brunswick County, and.

Whereas, Plant sales generated \$45,000 that was used to support Cooperative Extension programs including the continued development of the Brunswick Botanical Garden, and portions of these funds have been used to purchase equipment including a storage building valued at \$5000, a covered trailer valued at \$6500 and smaller items such as lawn mowers and sprayers to improve staff and volunteer effectiveness, and

Whereas, the Juvenile Restitution Program is operated by Brunswick County Master Gardeners, who donated 248 hours, and served a total of 34 male and 6 female Juveniles, and

Whereas, over \$40,000 has been invested in the last five years to expand botanical garden plant collections, install irrigation, drainage, lighting and water features and walkways for easy public access, and Brunswick County Master Gardener volunteers have teamed with the 4-H program to provide enrichment activities for youth, and more than 750 third-graders learn about agriculture and where their food comes from through Life on the Farm taught largely by Master Gardeners annually, and

Whereas, The Master Gardener Volunteers Association also provides about \$1000 in financial support for Life on the Farm, and six hundred sixty (660) youth from kindergarten through fifth grade at Supply Elementary School learned about agriculture and the environment in classes taught by Master Gardeners, and these volunteers were also an important part of the pilot program for Ecosystem Exploits enhancing the fifth-grade curriculum in April and May of 2009.

Now therefore, the Brunswick County Commissioners are hereby resolved to honor and to show appreciation to the **Brunswick County's Master Gardener Volunteers** for their efforts in improving the quality of life for the citizens of Brunswick County, both by giving of their time and resources, and by sharing the bounty that they have come to know with the people, and particularly, the youth of Brunswick County.

This the 3rd day of August, 2009.

s/William M. Sue, Chair
Brunswick County Commissioners
Attest:
s/Deborah S. (Debby) Gore, CMC
Clerk to the Board

3. **Coastal Homeowners Insurance Update**

Cameron Moore, Business Alliance for a Sound Economy, Governmental Affairs Director updated the Board regarding House Bill 1305 pertaining to Coastal Insurance issues.

VII. PUBLIC HEARING

1. Pursuant to notice duly advertised and posted, the Brunswick County Board of Commissioners conducted Public Hearings in the Commissioners' Chambers, Central Services Building, County Government Center, Bolivia, North Carolina.

1. Proposed Tipping Fee Increase for MSW, C&D, Mobile Homes and Asbestos

I. CALL TO ORDER

Chairman Sue called the Public Hearing to order at 7:00 p.m. and announced that the purpose of the hearing was to receive public input regarding the Proposed Tipping Fee Increase for MSW, CYD, Mobile Homes and Asbestos.

Stephanie Lewis, Operation Services Director, explained that the purpose of the hearing was to seek public input and approval of a proposed increase of the tipping fees for MSW, C&D, mobile homes, and asbestos to \$56 per ton and increasing tip fees for mobile homes that do not fit on the scales to \$250 per single wide mobile home and increasing tip fees for shingles to \$34 per ton.

Current tipping fees for MSW, C&D, mobile homes, and asbestos are \$49/ton. The flat fee for mobile homes that do not fit on the scales is currently \$200 per single wide mobile home and tip fees for shingles are currently \$17 per ton. All of these materials except MSW are disposed of in the C&D landfill. Mobile homes average 4.5 tons per single wide, which is the number used to determine the flat fee for those that do not fit on the scales. Shingles typically have less volume than a C&D load per ton, which consumes less landfill space and therefore shingles are set at a reduced tip fee. New Hanover County has increased their tipping fee to \$55.65/ton for MSW and C&D and the current tip fee for shingles is \$24/ton, but they do not accept mobile homes. Columbus County has increased their tipping fee to \$56.76/ton for MSW, C&D, and shingles, but they do not accept mobile homes. The recommended tip fee for MSW and all C&D related materials falls in between the two neighboring counties fees and the recommended tip fee for shingles is double our current fee and also falls between our neighboring counties fees.

An enforcement issue could be created without this increase with out of county waste coming into our landfill, which occurs when there is a significant price difference in neighboring counties tip fees. Considering Brunswick County's limited space available in the C&D landfill, it is very important not to lose that space to out of county waste.

There is also concern with reduced revenue as a result of a continuing decline in material received at the landfill. C&D tonnage received at the landfill for FY2009 was 17.6% less than the tonnage received in FY2008, which resulted in a revenue shortfall in the amount of \$403,405.65. Solid Waste revenue generated from tip fees for FY 2009 totaled \$1,320,848.80, which is approximately half of the amount generated two years ago in FY 2007. The recommended tip fee, with no further decline in material received, projects an increase in revenue of approximately \$960,000. This revenue generation is also important considering the closure costs of the landfill in the near future, which is estimated to be \$7.5 million.

II. PUBLIC COMMENTS

Chairman Sue asked if there were any members of the audience who wished to address the Board regarding the proposed amendment. The following citizens addressed the Board:

1. John Fiscella, President of Job-Site Container Company, spoke in opposition to the increase stating that this increase would add to the costs of building a house and asked that the Board consider cutting costs at the landfill rather than a tipping fee increase.

III. ADJOURN

Commissioner Warren moved to close the hearing at 7:03 p.m. The vote of approval was unanimous.

After a short discussion, Vice-Chairman Norris moved to approve an increase of tipping fees for MSW, C&D, mobile homes, and asbestos to \$56 per ton and an increase of tipping fees for mobile homes that do not fit on the scales to \$250 per single wide mobile home and an increase of tipping fees for shingles to \$34 per ton. The vote of approval was unanimous.

2. Community Development Block Grant Water Hook-Up Grant Application

I. CALL TO ORDER

Chairman Sue called the Public Hearing to order at 7:08 p.m. and announced that the purpose of the hearing was to receive public input regarding the Community Development Block Grant Water Hook-Up Grant Application.

Louise McGarva, Community Development Administrator, explained that this was the second of two required Public Hearings for CDBG Water Hook-up Grant Application.

Brunswick County Planning and Community Development have applied for a Community Development Block Grant in the amount of \$73,000 to assist low income persons hook-up to existing water lines. The original request for \$75,000 was reduced to \$73,000 based on the availability of funds.

Staff requests that the Board of Commissioners conduct the second Public Hearing required for this application submittal. The purpose of the public hearing is to present the description of the proposed project activities and cost to be carried out in the Community Development Infrastructure Hook-up Program and to allow citizens the opportunity to express their views and proposals prior to the submission of the Community Development Infrastructure Hook-up Grant application.

II. PUBLIC COMMENTS

Chairman Sue asked if there were any members of the audience who wished to address the Board. There were no comments from the audience.

III. ADJOURN

Vice-Chairman Norris moved to close the hearing at 7:09 p.m. The vote of approval was unanimous.

3. **Countywide Community Development Corporation Capacity Building Grant**

I. CALL TO ORDER

Chairman Sue called the Public Hearing to order at 7:09 p.m. and announced that the purpose of the hearing was to receive public input regarding the Countywide Community Development Corporation Capacity Building Grant.

Leslie Bell, Planning Director, explained that the Brunswick County Planning and Community Development has applied for a Community Development Block Grant (CDBG) Capacity Building Grant in the amount of \$75,000. The capacity building funds may be awarded to a local unit of government to assist a non-profit organization build capacity (strengthen internal resources) targeted to new endeavors that will take the non-profit in a new direction. At the Board of Commissioners' June 15, 2009 meeting, the Board approved funding for the Countywide CDC to explore the feasibility of constructing a Senior Rental Housing Low Income Housing Tax Credit Project. Subsequent to that meeting, the potential project has been expanded to also consider a Low Income Housing Tax Credit (LIHTC) Multi-family project as an option. If awarded, these Capacity Building Funds will support a project that will primarily benefit low and moderate-income citizens and allow Countywide CDC to conduct the following:

Develop and/or enhance its ability to plan and develop future projects through training and/or hiring of a project developer/manager to manage new activities;
Train to increase the capacity of current staff inexperienced in Low Income Housing Tax Credit Projects; and
Supplement the salary of existing personnel in this endeavor.

CDBG Capacity Building Grants are awarded in anticipation that a CDBG application for project funding will be submitted within 24 months. Approximately \$11,000 of the \$75,000 will be allocated to Brunswick County for administration and reimbursement of a portion of consulting-related costs for the Countywide CDC.

II. PUBLIC COMMENTS

Chairman Sue asked if there were any members of the audience who wished to address the Board regarding the proposed amendment. There were no comments from the audience.

III. ADJOURN

Commissioner Warren moved to close the hearing at 7:12 p.m. The vote of approval was unanimous.

4. **Proposed Map Amendment Z-09-640**

I. CALL TO ORDER

Chairman Sue called the Public Hearing to order at 7:12 p.m. and announced that the purpose of the hearing was to receive public input regarding Proposed Map Amendment Z-09-640.

Leslie Bell, Planning Director, explained the following:
Item 1 (Map Amendment Z-640 – Harold Miller)

Item 1 is a map amendment initiated by the property owner. This change from R-7500 (Low Density Residential) to IG (Industrial General) would allow for industrial use for Tax Parcel 2290006402 located on Pigott Road SW (SR 1152) near Shallotte, NC. An amendment to the Official Brunswick County CAMA Land Use Map has been requested from LDR (Low Density Residential) to Industrial for Tax Parcel 2290006402 located on Pigott Road SW (SR 1152) near Shallotte, NC.

This rezoning totals 4.55 acres.

Planning Staff recommends approval to IG (Industrial General).

Planning Board recommends approval to IG (Industrial General) [unanimous 7 to 0].

Planning Staff and Planning Board recommends approval to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to Industrial for Tax Parcel 2290006402 located on Pigott Road SW (SR 1152) near Shallotte, NC.

II. PUBLIC COMMENTS

Chairman Sue asked if there were any members of the audience who wished to address the Board regarding the proposed amendment. There were no comments from the audience.

III. ADJOURN

Vice-Chairman Norris moved to close the hearing at 7:13 pm. The vote of approval was unanimous.

Commissioner Warren moved to approve Second Reading and Adoption of Map Amendment Z-09-640 and approve changes to the Official CAMA Land Use Map from Low Density Residential to Industrial for Tax Parcel 2290006402 located on Pigott Road SW near Shallotte, NC. The vote of approval was unanimous.

5. Rescue Squad Franchise and Agreements

I. CALL TO ORDER

Chairman Sue called the Public Hearing to order at 7:14 p.m. and announced that the purpose of the hearing was to receive public input regarding the Rescue Squad Franchise and Agreements.

Jana Berg, Assistant County Attorney explained that these agreements must be renewed annually and a two Public Hearing are required. This is the second Public Hearing.

II. PUBLIC COMMENTS

Chairman Sue asked if there were any members of the audience who wished to address the Board regarding the proposed amendment. There were no comments from the audience.

III. ADJOURN

Commissioner Phillips moved to close the hearing at 7:15 p.m. The vote of approval was unanimous.

Commissioner Phillips moved to approve the Rescucue Squad Franchise and Agreements. The vote of approval was unanimous.

VIII. ADMINISTRATIVE REPORT

1. **Operation Services-GOGAS Universal Contract (Stephanie Lewis)**

Staff recommends taking recommended action.

Stephanie Lewis, Operation Service Director, explained that four bids were received from the RFP on Fuel Supply and Management. GOGAS Universal was the low bidder on all deliveries over 1,000 gallons although they were the high bidder on any deliveries less than 1,000 gallons. GOGAS Universal's response included tank monitoring for all fuel sites in order to eliminate any deliveries less than 1,000 gallons.

After careful consideration of all factors, staff recommends to award the County's Fuel Supply and Management Contract to GOGAS Universal.

Vice-Chairman Norris moved to award Brunswick County's Fuel Supply and Management contract to GOGAS Universal. The vote of approval was unanimous.

2. **EMS-Emergency Management Performance Grant Award (Randy Thompson)**

Staff recommends taking recommended action and associated budget amendment.

Randy Thompson, EMS Director, explained that the Brunswick County Emergency Management Office has received a \$56,492.00 Grant Award to assist with developing and maintaining a comprehensive emergency management program. There are a few objectives attached to this year's grant award. To date, all required documents necessary to meet this objective have already been forwarded to the State Office of Emergency Management. All other performance items such as satellite radio performance checks and scheduling disaster exercises are included in the scope of work for this current fiscal year.

During the budget process this year staff anticipated receiving \$10,000.00 in state revenue and requests that the additional funds be placed in our budget account for the purchase of an additional emergency response and preparedness equipment. This would include purchasing additional equipment for the Mobile Command Unit, a transportable storage container for the radiological response equipment with trailer and update existing plans as required by this agreement. This is an area that indicated in after action reports following the review of exercises and past events. Staff requests that the additional revenue of \$46,492.00 be made available to EMS for this purpose as follows: (Operating Equipment Over \$500.00) \$16,492 (Contracted Services) \$30,000.00. The funding will allow an update our COOP (Continuity of Operations Plan) and purchase response equipment as needed for community preparedness.

Grant Fund	EMPG 1510-512-2010 Revenue	238175-332093	Increase \$56,492
Grant Fund	EMPG 1510-512-2010 Expense	238175-449994	Increase \$56,492
General Fund	Contracted Services	104330-439900	Decrease \$10,000
General Fund	State Aid Restricted	104330-332001	Decrease \$10,000

The above budget amendments is to transfer the emergency management budget amount of \$10,000 for grant funds to the Grant Fund for award of the EMPG Grant in the amount of \$56,492 for grant allowed expenditures as outlined above.

Commissioner Cooke moved to approve the Emergency Management Performance Grant Annual Award and the associated budget amendment. The vote of approval was unanimous.

3. Parks & Rec-Board of Education / Parks and Recreation MOA (Jim Pryor)

Staff recommends approving contingent upon approval by the Board of Education.

Jim Pryor, Parks and Recreation Director, explained that for many years, the Parks & Recreation Department and the Brunswick County Schools have worked together. Brunswick County has committed funds, labor and maintenance to help keep the athletic facilities at the High and Middle Schools. In exchange, Parks & Recreation have been allowed to use school facilities for athletic events and programs. It has been a very good working relationship between both parties, and one that makes Brunswick County unique and special.

The partnership and how it could be enhanced as been discussed with Les Tub (Athletic Director for the Board of Education) and it was determined that it was in the best interest of both parties to have a formal agreement in writing so that it could be executed as policy. A formal policy is the best way to define roles and is a great communication device to make operations for both more efficient. It was also recommended in the Comprehensive Plan that such an agreement be put in place.

While it appears that the Parks & Recreation Department gives exceedingly in this agreement, the value of using the school facilities is a tremendous return on the investment. If we didn't have access to these facilities, Parks and Rec would be forced to eliminate programs or build new facilities. This is a win-win situation for both.

The Memorandum of Agreement was initially drafted by Parks & Recreation last winter and both parties have contributed to the final product. This agreement is for a 1 year period and will be reviewed and possibly renewed on an annual basis.

The Agreement has been reviewed by the Board of Education Operations Committee as well as the Parks & Recreation Advisory Board. It is being placed on the Board of Education agenda for the Tuesday, August 4th meeting.

Commissioner Phillips moved to approve the Memorandum of Agreement between Brunswick County Parks & Recreation and Brunswick County Board of Education contingent upon approval by the Board of Education. The vote of approval was unanimous.

4. Parks and Rec-Town of Shallotte Rourk Library Property Land Lease

Staff recommends taking recommended action.

Jim Pryor, Parks and Recreation Director, explained that on May 28, 2009, Cindy Babson from the Town of Shallotte Planning Office sent a letter requesting a permission for the Town of Shallotte to lease an area of the Rourk Library property in Shallotte to create a pocket park behind the library building. Presently, the area of the property in question is partially wooded. The request is for the town to clean out the wooded area, create some landscape, and add benches to create a small park-like area.

The request was proposed to the Parks & Recreation Advisory Board at their June 16, 2009 meeting. The Board unanimously endorsed the idea, but did indicate through their motion that they preferred this to be a Town of Shallotte endeavor, and the Town should be responsible for development costs and continued maintenance of the site. Staff concurs with the Advisory Boards recommendation. Attorney Marshall drafted a lease agreement on behalf of the County for consideration and the Town of Shallotte has reviewed the lease agreement.

Additionally, former land owner Marie Harrison was contacted and she offered her full endorsement for the project saying that it was the wishes of her late father to create such at setting at the library.

Vice-Chairman Norris moved to approve the Land Lease Agreement with the Town of Shallotte for a portion of the Rourk Library Property for creation of a pocket park behind the library building. The vote of approval was unanimous.

5. Community Dev-CDBG Water Hook Up Grant Application (Louise McGarva)

Staff recommends taking recommended action.

Louise McGarva, Community Development Director, explained that Brunswick County Planning and Community Development is applying for a Community Development Block Grant in the amount of \$73,000 in CDBG Infrastructure Hook-up Program funds to connect low and moderate income households to existing non-CDBG funded public water lines. The original request for \$75,000 was reduced to \$73,000 based on the availability of funds.

The proposed activities and budget is as follows:

Water hook-ups	\$63,000
Administration	<u>\$10,000</u>
Total	\$73,000

Staff anticipates assisting approximately 20 low/moderate income households connect to public water lines.

Commissioner Warren moved to approve the Community Development Block Grant Water Hook-Up Grant Application. The vote of approval was unanimous.

6. Community Dev–Single Family Rehab Program Loan Award and Rehabilitation Contract Award (Louise McGarva)

Staff recommends taking recommended action.

Louise McGarva, Community Development Director, explained that Brunswick County is in receipt of notification from the North Carolina Housing Finance Agency that the 2008 Single-Family Rehabilitation Program (SFR08) award was received for the rehabilitation of 9 residential units in the aggregate amount of \$400,000. The County has identified 1 other recipient for housing rehabilitation, in addition to the 7 recipients already assisted.

Staff requests to award SFR08 loan award and contract to:

1) Strickland Construction for Ellie Mae Hill, Ash, NC in the amount of \$40,000.00.

The \$51,504.00 total cost for the repair contract will be paid as follows in combination with \$16,655.00 already provided by the homeowner:

\$40,000.00 total cost for repair contract from the SFR08 grant funds;

\$11,504.00 cost toward repair contract from homeowner funds.

\$ 5,151.00 (10% contingency funds) has been retained from homeowner funds.

It appeared that there could have been a conflict of interest assisting this homeowner under the SFR08 program, as Ms. Hill’s grandson, Eric Smith works for Brunswick County. The situation was brought to the attention of the North Carolina Housing Finance Agency (“Agency”) and ultimately determined by the Agency that there exists no conflict of interest that would prohibit Brunswick County or the Agency from assisting Ms. Hill with a loan under the SFR08 program.

Vice-Chairman Norris moved to award the Single Family Rehabilitation Program (SFR08) Loan Award and Rehabilitation Contract to Strickland Construction for Ellie Mae Hill, Ash, NC in the amount of \$40,000.00 The vote of approval was unanimous.

7. Community Dev-CDC Capacity Building Grant Application (Leslie Bell)

Staff recommends taking recommended action.

Leslie Bell, Planning Director, explained that a Public Hearing was held earlier and requested approval of the Grant Application.

Vice-Chairman Norris moved to approve the 2009 Capacity Building Grant on behalf of Countywide Community Development Corporation (CDC) as part of its Multi-family or Senior Rental Housing Tax Credit project. The vote of approval was unanimous.

8. Planning- Proposed Map Amendment Z-09-641

Staff recommends approving First Reading of Map Amendment Z-09-641 and schedule Public Hearing September 8, 2009 at 6:30 p.m.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-641 – Michael Mills) [AMENDED]

Item 1 is a map amendment initiated by the property owner. This change from RR (Rural Residential) to C-LD (Commercial Low Density) would allow for commercial use for ~~Tax Parcel 0700004805~~ a portion of Tax Parcel 0700004805 between Ocean Highway (US 17) and the new access road located on Ocean Highway (US 17) and Snowfield Road SE (SR 1522) near Leland, NC. An amendment to the Official Brunswick County CAMA Land Use Map has been requested from LDR (Low Density Residential) to Commercial for ~~Tax Parcel 0700004805~~ a portion of Tax Parcel 0700004805 between Ocean Highway (US 17) and the new access road located on Ocean Highway (US 17) and Snowfield Road SE (SR 1522) near Leland, NC.

This rezoning totals 22.60 acres.

Planning Staff recommends approval to C-LD (Commercial Low Density) a portion of Tax Parcel 0700004805 between Ocean Highway (US 17) and the new access road located on Ocean Highway (US 17) and Snowfield Road SE (SR 1522) near Leland, NC.

Planning Board recommends approval to C-LD (Commercial Low Density) a portion of Tax Parcel 0700004805 between Ocean Highway (US 17) and the new access road located on Ocean Highway (US 17) and Snowfield Road SE (SR 1522) and the new access road and move forward to the Board of Commissioners [unanimous 7 to 0].

Planning Staff recommends approval to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to Commercial for a portion of Tax Parcel 0700004805 between Ocean Highway (US 17) and the new access road located on Ocean Highway (US 17) and Snowfield Road SE (SR 1522) near Leland, NC.

Planning Board recommends approval to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to Commercial for a portion of Tax Parcel 0700004805 between Ocean Highway (US 17) and the new access road located on Ocean Highway (US 17) and Snowfield Road SE (SR 1522) near Leland, NC and move forward to the Board of Commissioners. [unanimous 7 to 0].

Commissioner Cooke moved to approve First Reading and set a Public Hearing for September 8, 2009 at 6:30 p.m. The vote of approval was unanimous.

9. Planning-Proposed Map Amendment Z-09-643

Staff recommends approving First Reading of Map Amendment Z-09-643 and schedule Public Hearing on September 8, 2009 at 6:30 p.m.

Leslie Bell, Planning Director, explained the following:

Item 1 (Map Amendment Z-643 – Ralph Gagliano) [AMENDED]

Item 1 is a map amendment initiated by the property owner. This change from SBR-6000 (Medium Density Site Built Residential) to ~~C-LD (Commercial Low Density)~~ NC (Neighborhood Commercial) would allow for commercial use of Tax Parcel 1850001808 located at 1011 Zion Hill Road SE (SR 1114) and Southport-Supply Road SE (NC 211) near Supply, NC. An amendment to the Official Brunswick County CAMA Land Use Map has been requested from LDR (Low Density Residential) to Mixed Use for Tax Parcel 1850001708 located at 1011 Zion Hill Road SE (SR 1114) and Southport-Supply Road SE (NC 211) near Supply, NC.

This rezoning totals 2.59 acres.

Planning Staff recommends approval to NC (Neighborhood Commercial) and not C-LD.

Planning Board recommends approval to NC (Neighborhood Commercial) and not C-LD [unanimous 7 to 0].

Planning Staff recommends approval to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to Mixed Use for Tax Parcel 1850001708 located at 1011 Zion Hill Road SE (SR 1114) and Southport-Supply Road SE (NC 211) near Supply, NC.

Planning Board recommends approval to the Official Brunswick County CAMA Land Use Map from LDR (Low Density Residential) to Mixed Use for Tax Parcel 1850001708 located at 1011 Zion Hill Road SE (SR 1114) and Southport-Supply Road SE (NC 211) near Supply, NC.

Commissioner Cooke moved to approve First Reading and set a Public Hearing for September 8, 2009 at 6:30 p.m. The vote of approval was unanimous.

10. Planning-Proposed Unified Development Ordinance Text Amendment UDO-09-05 (Leslie Bell)

Staff recommends approving First Reading of UDO -09-05 and schedule Public Hearing September 8, 2009 at 6:30 p.m.

Leslie Bell, Planning Director, explained that the Planning Board held a Public Hearing on July 13, 2009 and at that meeting Mr. Bell asked that the Planning Board address the proposed text amendments concurrently indicating that staff had reported at the June 8, 2009 meeting that the proposed text amendments were forthcoming and informing that the Brunswick County Zoning Ordinance adopted in January 1994 included an R-10,000 Zoning District (never used) and an R-7500 Zoning District. Mr. Bell had also informed that both Zoning Districts are considered Low Density Residential. Mr. Bell said the purpose of this text amendment is only to distinguish that the Rural Residential (RR) combined the old R-10,000 and Rural (RU), thus creating a Low Density Residential District designation. Densities per each respective Zoning District remain unchanged. The following changes to the UDO clarifies & distinguishes the following:

Zoning Designation	Current Classification	Proposed Classification
RR	Rural Residential	Rural Low Density Residential
R-7500	Low Density Residential	Low Medium Density Residential
R-6000	Medium Density Residential	Medium High Density Residential
SBR-6000	Medium Density Site Built Residential	Medium High Density Site Built Residential
MR-3200	Multifamily Residential	Multifamily Residential (No Change)

Corresponding changes to the CAMA Core Land Use Plan adopted by the Board of Commissioners and Certified by the Coastal Resources Commission on November 30, 2007 will be included as LUP-09-02.

Item 1

Amend Article 4, Zoning Districts, Section 4.4, Zoning Districts Established; Section 4.5, Grouping of Districts; Section 4.8.1.A., RR (Rural Residential); and Section 4.12.3.A.2, Economic Development to reflect the name change of residential zoning districts.

Amend Article 6, Design and Performance Standards, Section 6.1.5.B.3., Paving, to reflect the name change of the Rural Residential Zoning District.

Amend Article 7, Landscaping and Buffering, Section 7.2.9.A., Project Boundary Buffers, to reflect the name change of the Rural Residential Zoning District.

Amend Article 8, Subdivision Standards, Section 8.8.10.B.1., Street Network; and Section 8.9.4.G.1.i., Rural Residential Zoning Districts, to reflect the name change of the Rural Residential Zoning District.

Commissioner Phillips moved to approve First Reading and set a Public Hearing for September 8, 2009 at 6:30 p.m. The vote of approval was unanimous.

11. Planning-Proposed CAMA Land Use Plan Text Amendment LUP-09-01 (Leslie Bell)

Staff recommends taking recommended action.

Leslie Bell, Planning Director, explained that per CRC Land Use Planning Guidelines 15A NCAC 7B, staff is requesting the following CAMA Land Use Plan Map Amendments to its CAMA Land Use Plan Certified by the CRC on November 30, 2007. The attached map amendments have been approved previously by the Board of Commissioners. The majority of these Land Use Plan map designation changes have been associated with rezonings. In accordance with CAMA Land Use Plan amendment guidelines, these map amendments must be submitted to the CRC for approval. These Land Use Plan amendments are being proposed for the October 2009 CRC meeting.

Commissioner Phillips moved to set a Public Hearing for September 8, 2009 at 6:30 p.m. to consider Resolution for CAMA Land Use Plan Map Amendments for October 2009 Coastal Resources Commission (CRC) Certification. The vote of approval was unanimous.

12. Planning-Proposed CAMA Land Use Plan Map Amendment LUP-09-02 (Leslie Bell)

Staff recommends taking recommended action.

Leslie Bell, Planning Director, explained that per CRC Land use Planning Guidelines 15A NCAC 7B, staff is requesting the following CAMA Land Use Plan Text Amendments to its CAMA Land Use Plan Certified by the CRC on November 30, 2007. These amendments are consistent with the Unified Development Ordinance (UDO) Text Amendment UDO-09-05 regarding Zoning District designations/names. While the proposed changes do not impact Zoning District densities, it clearly defines Rural Residential (RR) as Low Density, R-7500 as Medium Density Residential instead of Low Density Residential, R-6000/SBR-6000 as Single-family High Density Residential, and MR-3200 as High Density Multifamily.

The following table summarizes the changes:

Zoning Designation	Current Classification	Proposed Classification
RR	Rural Residential	Rural Low Density Residential
R-7500	Low Density Residential	Low Medium Density Residential
R-6000	Medium Density Residential	Medium High Density Residential
SBR-6000	Medium Density Site Built Residential	Medium High Density Site Built Residential
MR-3200	Multifamily Residential	Multifamily Residential (No Change)

The following CAMA Land Use Plan Sections will be amended:

Section 5.V.A

Table 60

Table 64

Section 6.V.D.e. Residential

Table 70

Tables 75-78

Table 79

Commissioner Phillips moved to set a Public Hearing for September 8, 2009 at 6:30 p.m. to consider Resolution for CAMA Land Use Plan Amendments for October 2009 Coastal Resources Commission (CRC) Certification. The vote of approval was unanimous.

13. Planning-Proposed UDO Text Amendment UDO-09-06 (Leslie Bell)

Staff recommends approving First Reading of UDO-09-06 and schedule Public Hearing September 8, 2009 at 6:30 p.m.

Leslie Bell, Planning Director, explained the following:

Item 1

Amend Article 5, Limited Use Standards, Section 5.3.7.(F and G), Mining Operations, Class I and Mining Operations, Class II regarding dewatering for Mining Operations in Brunswick County.

Item 2

Amend Article 12, Enforcement Procedures, Section 12.4, Definitions, regarding dewatering for Mining Operations in Brunswick County.

There was discussion concerning the necessity of this amendment and the need to expedite this process. The Board instructed staff to present recommendation at the upcoming Public Hearing regarding Article 5 and Article 12.

Vice-Chairman Norris moved to approve First Reading and set a Public Hearing for September 8, 2009 at 6:30 p.m. The vote of approval was unanimous.

14. Planning-John Wall & Associates Marketing Study Contract (Leslie Bell)

Staff recommends taking recommended action and associated budget amendment.

Leslie Bell, Planning Director, explained that as part of the Countywide CDC's efforts to submit a Low Income Housing Tax Credit application to the NC Housing Finance Agency, the proposed contract with John Wall and Associates is being recommended by the County-wide CDC Board of Directors to examine the market for both family and elderly housing in both the Leland and Shallotte areas of Brunswick County.

The proposed preliminary market study will provide calculations of need and demand, by number of bedrooms, by appropriate age and income ranges. This study will provide capture rates by number of bedrooms in unit and income targeting which can be included for reference during the application phase of the proposed project.

The total proposed cost for the market study is \$2,400.00.

County Capital Reserve	Designated Reserve Funds for Affordable Housing	269800-464312	Decrease \$2,400
County Capital Reserve Fund	Transfer to General Fund	269800-498010	Increase \$2,400
General Fund	Transfer from County Capital Reserve Fund	109800-398226	Increase \$2,400
General Fund	Community Development Professional Fees Expenditures	104907-419900	Increase \$2,400

The above budget amendment is to appropriate \$2,400 from the Affordable Housing Reserve in the County Capital Reserve Fund to the General Fund for Professional Fees for a market study.

Commissioner Warren moved to approve the contract for a marketing study by John Wall and Associates and the associated budget amendment. The vote of approval was unanimous.

15. Engineering-Affordable Roofing Company Contract Award (Jeff Phillips)

Staff recommends taking recommended action and associated budget amendment.

Jeff Phillips, Engineering Services Director, explained that the Brunswick County Board of Education has already entered into a contract with Affordable Roofing for roof replacement of their building. The County has the opportunity to piggyback on that contract with the same price per square foot. The cost for roof replacement for the Health Building for the 50 mil Duro-Last Roofing system is \$79,974.00. The cost for roof replacement for the Cooperative Extension Building is \$89,416.00. A \$2,000 discount will be given if both roofs can be ordered and done at the same time.

County Capital Reserve Fund	Building N Roof	269800-464332	Decrease \$89,416
County Capital Reserve Fund	Transfer to General Fund	269800-498010	Increase \$89,416
General Fund	Transfer From County Capital Reserve	109800-398226	Increase \$89,416
General Fund	Cooperative Extension-COL-Buildings	104950-458000	Increase \$89,416

Transfer funds from the county capital reserve to the cooperative extension capital outlay buildings line item. The health department new roof funding was placed in the DSS, Cafeteria, and Health HVAC County Capital Project on the Board meeting dated January 5, 2009.

Vice-Chairman Norris moved to award a contract to Affordable Roofing Company of Eden, NC for the Health Department and Cooperative Extension Building roofs and approve the associated budget amendment. The vote of approval was unanimous.

16. Utilities-The Members and Reserve Club Amended and Restated Effluent Water Reuse Agreement (Jerry Pierce)

Staff recommends taking recommended action.

Jerry Pierce, Utility Operations Director, explained that Brunswick County and the owners of the golf courses in St. James Plantation subdivision have entered into an agreement whereby Brunswick County agrees to provide wastewater effluent for use on the golf courses and the owners of the golf courses in St. James Plantation subdivision have agreed to accept wastewater. Under the terms of the existing agreement, St. James agreed to accept wastewater for use on The Reserve Club. They were to construct two ponds to received effluent from the County and an irrigation system capable for spray effluent on the golf course in accordance with NC DENR regulations. With the change in NC DENR regulations, the construction of two ponds has become impractical and St. James now only wishes to construct one pond to receive effluent.

The proposed agreement amends the requirement to construct two ponds to receive effluent for The Reserve Course. It also eliminates the language requiring payment for work already completed by St. James and already reimbursed to St. James by Brunswick County. The proposed agreement also establishes a timetable for St. James to complete the work and a maximum reimbursement amount of \$406,400.

Staff recommends approval of the revised agreement and authorize the Chairman and Clerk to the Board to execute the agreement on behalf of the County.

Commissioner Phillips moved to approve the Amended and Restated Effluent Water Reuse Agreement with The Members Club at St. James Plantation, LLC and The Reserve Club at St. James Plantation, LLC. The vote of approval was unanimous.

17. Utilities-City of Northwest Wastewater Collection System Operation and Maintenance Agreement (Jerry Pierce)

Staff recommends taking recommended action.

Jerry Pierce, Utility Operations Director, explained that in March, the City of Northwest asked the County to provide it with a proposal for operation and maintenance of its newly constructed sewer system. The sewer system is presently under construction and is expected to be completed by mid summer. The County submitted a proposal and proposed agreement to the City of Northwest for their consideration in the April. The City of Northwest has accepted our proposal and has executed the agreement.

Under the terms of the agreement, the County would provide the following services to the City:

**OPERATION AND MAINTENANCE SERVICES
REQUIRED BY NC DENR COLLECTION SYSTEM PERMIT**

- Keep System Map Updated
- Provide Grease Control Plan and Inspection
- Contingency Plan for Pump Station Failure
- Recurring Problem Log
- Scheduled Testing of Standby and Emergency Equipment
- Pump Station Inspection
- Right-of-Way Inspection
- Response Action Plan
- Sanitary Sewer Overflow Log
- System Inspection Logs
- Record Drawing Review
- General Observation Log

High Priority Line Inspection Form
Complaint Log

The following services will be provided at an additional cost. The fees for these services must be paid by the City to the County; however, the City may collect the fees from the property owner in advance of sending a work order to the County.

ADDITIONAL SERVICES FOR A FEE

2" or Smaller Sewer Force Main Tap	\$1,000
Residential Simplex Grinder Pump Station & Tap	\$4,000
Valve Pit Installation	\$4,000
Grinder Pump Station Repairs	\$5/month/pump
Clean Up of Wastewater Spill Not Due in Any Manner to the Actions of the County	Actual Cost

The City of Northwest would be billed a flat rate per connection for the services outlined above. The amount would be negotiated with the City as a part of the development of an Operation and Maintenance Agreement.

County staff recommends the approval of the agreement and authorize the Chairman and Clerk to the Board to execute the agreement on behalf of the County.

Vice-Chairman Norris moved to approve the Wastewater Collection System Operation and Maintenance Agreement with the City of Northwest Sewer System. The vote of approval was unanimous.

18. Administration-Major Goals & Objectives Fourth Quarter Progress (Marty Lawing)

Staff recommends receiving the Fourth Quarter Goal Report as information. Marty Lawing, County Manager presented the Fourth Quarter Progress report as information. There was discussion regarding concerns from citizens who have experienced customer service issues. The Board reminded that customer service was an important goal and needs improving. The County Manager informed that staff will continue to work on this area of service. Commissioner Warren recommended having suggestion boxes for public feedback.

IX. BOARD APPOINTMENTS

Commissioner Cooke requested to amend the agenda to add a previously tabled appointment to the Industrial Facilities Authority. The vote of approval was unanimous.

Industrial Facilities & Pollution Control Authority

Commissioner Cooke nominated Tom Rabon. Vice-Chairman Norris moved to close the nominations. The vote of approval was unanimous. Vice-Chairman Norris moved to approve the appointment of Mr. Rabon. The vote of approval was unanimous.

Tom Rabon will fill the unexpired term of Jerry Jones (deceased) that will expire on October 1, 2011.

X. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

XI. ADJOURNMENT

Vice-Chairman Norris moved to adjourn the Regular Meeting at 7:55 p.m. The vote of approval was unanimous.

William M. Sue, Chairman

Deborah (Debby) Gore, Clerk to the Board